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3 UNITED STATES DISTRICT COURT

4 DISTRICT OF NEVADA

5 DANIEL HIRAM GIBSON, ) \* \*\*  
6 Plaintiff, )  
7 v. ) CASE NO.: 2:13-CV-01838-RCJ-NJK  
8 TOM VILSACK, )  
9 Defendant. )  
10 \_\_\_\_\_) ORDER

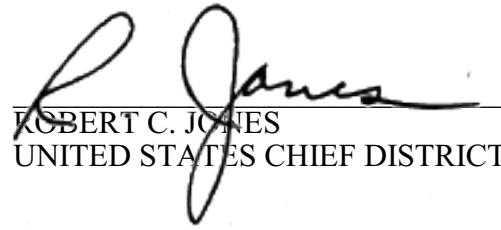
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12 The Court has considered the Report and Recommendation of United States Magistrate  
13 (ECF #2) entered on October 11, 2013, in which the Magistrate Judge recommends that the Court  
14 Clerk shall file the Complaint, and be dismissed for failure to state a claim upon which relief can be  
15 granted without leave to amend. The Court has considered the pleadings and memoranda of the parties  
16 and other relevant matters of record and has made a review and determination in accordance with the  
17 requirements of 28 U.S.C. § 636 and applicable case law, and good cause appearing, the court hereby

18 ADOPTS AND ACCEPTS the Report and Recommendation of the United States  
19 Magistrate Judge (ECF #2).

20 IT IS HEREBY ORDERED that the Clerk of the Court shall file the complaint.

21 IT IS FURTHER ORDERED that the Complaint is DISMISSED. The Clerk of the Court  
22 shall enter judgment accordingly.

23 IT IS SO ORDERED this 22<sup>nd</sup> day of October, 2013.

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ROBERT C. JONES  
26 UNITED STATES CHIEF DISTRICT JUDGE